

REMARKS

Claims 4 and 5 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 4 and 5 to correct the cited informalities and respectfully requests that the rejection be withdrawn in view of the amendments.

Claims 6, 13 and 15 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Johnston (U.S. 3,716,050). Claim 6 recites *inter alia* a blade portion extending into the bone wherein when the blade portion is inserted into the bone, the radius fits closely adjacent the outside surface of the bone. In contrast, Johnston discloses a bone plate in which the blade portion rests on top of the surface of the bone and is not inserted into the bone. As such, Johnston fails to disclose or suggest features of claim 6. For at least this reason, Applicant respectfully requests that the rejection of claim 6 be withdrawn.

Claim 13 recites *inter alia* a strut screw disposed through said first hole and extending toward said blade portion. Johnston fails to disclose or suggest a strut screw which extends from the first hole and extends toward the blade portion. Rather, Johnston discloses that the screws are oriented in orthogonal to one another and do not extend toward one another.

Claim 13 further recites a top screw disposed through said second hole extending angularly to one side of said strut screw. Johnston fails to disclose or suggest this additional feature of claim 13.

For all of these reasons, Applicant respectfully requests that the rejection of claim 13 be withdrawn.

Claim 15 depends from claim 13 and includes all the features of the base claim plus additional features. Applicant respectfully requests the rejection of claim 15 be withdrawn for at least the reasons provided in traversing the rejection of claim 13. Moreover, claim 15 recites another screw disposed through the third hole, which extends angularly to another side of the strut screw opposite said first side. Johnston fails to disclose or suggest this additional feature of claim 15. For all these reasons, Applicant respectfully requests the rejection of claim 15 be withdrawn.

Claim 8 stands rejected under 35 U.S.C. §102(b) as being unpatentable over Crook (U.S. 5,365,996). The rejection is moot, as Applicant has canceled claim 8 without prejudice.

Claims 9-12 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Lowery et al. (U.S. 5,364,399). The rejection is moot, as claims 9-12 have been canceled without prejudice.

Claims 30-40 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Gotfried (U.S. 5,429,641). Applicant respectfully traverses as follows.

Gotfried discloses an inner tubular guide 32 which is screwed into bore 5 of the plate in order to permit exact centering of the guide wire 30. (See col. 5, lines 49-53). The tubular guide is used to facilitate the accurate placement of the plate. However, after the plate has been positioned and the holes have been drilled, the inner tubular guide is removed. (See col. 6, lines 33-35). After the inner tubular guide is removed then the long screw and sleeve assemblies are inserted and fastened. Accordingly, the tubular guide is not connected to the screw and sleeve assemblies.

In contrast, in the claimed invention, the insertion guide member is attached to the plate and the screw guide is detachably attached to the insertion guide so that you do not need to remove the insertion guide to place the screw guide which is better for positioning. Claim 30 recites

that the insertion guide member is detachably securable to the plate portion of the bone plate and a screw guide is detachably securable to the insertion guide member. Claims 31-35 include all the features of the base claim plus additional features. Claims 36-40 recite that the screw guide is integral with the insertion guide. Applicant respectfully request that the rejection of claims 30-40 be withdrawn in view of the above.

It is believed that the above amendments and remarks represent a complete response to the Office Action and that the Application is now in condition for allowance, and such favorable determination is requested.

The Examiner is invited to contact the undersigned attorney of record if an interview would expedite prosecution.

Respectfully submitted,

By


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